

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shania Roach	Team: Team # 1	CCRB Case #: 201407738	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 07/21/2014 8:05 PM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 1/21/2016	EO SOL 1/21/2016	
Date/Time CV Reported Tue, 07/22/2014 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/30/2014 2:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Budney	20233	936256	ESS 03

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Difrancesca	04200	920213	ESS 04

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Budney	Force: PO Nicholas Budney used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On July 21, 2014, at approximately 8:05 p.m., a search warrant was executed at § 87(2)(b) in the Bronx. § 87(2)(b) alleged that when the officers entered the apartment, PO Nicholas Budney of the Emergency Services Unit, kicked him in the face causing a laceration to § 87(2)(b)'s top lip (**Allegation A**). § 87(2)(b) was arrested and charged with § 87(2)(b) (encl. B 1-4).

Mediation, Civil and Criminal Histories

This case was ineligible for mediation because § 87(2)(b) was arrested. The results of a Notice of Claim search regarding this incident is pending. § 87(2)(b), § 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A2).
- PO Budney has been a member of the NYPD for 10 years, has had 11 previous CCRB allegations involving six cases with no substantiated allegations (encl. A1).

Finding and Recommendations

Allegations Not Pleaded

- **Entry and Search:** Search warrant # § 87(2)(b), signed by the Honorable § 87(2)(b) of the Bronx Criminal Court, was issued for § 87(2)(b) (encl. E 7-8); § 87(2)(g)
- **Guns Pointed:** § 87(2)(g)

Recommendations

Allegation A- PO Nicholas Budney used physical force against § 87(2)(b)

§ 87(2)(b) stated that when the officers entered the apartment, they yelled, "Get down on the ground." § 87(2)(b) who sat on a couch in the living room, immediately layed face down on the ground. After doing so, § 87(2)(b) alleged that an officer he could not see kicked him in the face, causing § 87(2)(b) to lose consciousness. When § 87(2)(b) came to, he was laying on the ground in a pool of blood. § 87(2)(b) was then transported to § 87(2)(b) (encl. C2). Although § 87(2)(b) alleged he lost consciousness and received stitches to his top lip and gums as a result of being kicked in the face, his hospital records stated that he denied a loss of consciousness and did not receive any stitches for the laceration to his lip or gums. § 87(2)(b) and § 87(2)(b) who were all in the apartment when the search warrant was executed, were uncooperative with the investigation. As PO Budney stated that as he approached § 87(2)(b) who sat on a couch in the living room, § 87(2)(b) got down on the ground in front of PO Budney and grabbed onto PO Budney's right leg with both of his arms. PO Budney tried to free himself from § 87(2)(b)'s grasp by pulling his leg away. PO Budney stated that in doing so he might have kicked § 87(2)(b) in the face; however, it was not intentional and he did not recall his foot making impact with § 87(2)(b)'s face (encl. D2). Det. DiFrancesca did

not see PO Budney kick § 87(2)(b) in the face nor did he see what transpired between § 87(2)(b) and PO Budney (encl. D6).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date